

A satellite image of the Chesapeake Bay area at night, showing the glowing lights of the city and the surrounding water. The image is used as a background for the title slide.

# **CHESAPEAKE BAY CRITICAL AREA**

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**PROGRAM UPDATE**

**May 2007**



# **Purpose of tonight's meeting**

## **# Provide information on the update**

- P 2006/2007 General Assembly mandates**
- P Proposed staff changes**
- P Explanation of the update process**
- P Timeframe/opportunities for public input**

## **# Obtain feedback from the community**



# What is the “Critical Area”?

# **Critical Area--**“all lands and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tide”  
297-128 CCZO

# **Buffer--**minimum 100 feet landward of mean high water or the edge tidal wetlands and/or tributary streams

- P Expanded for hydric soils, highly erodible soils, and steep slopes

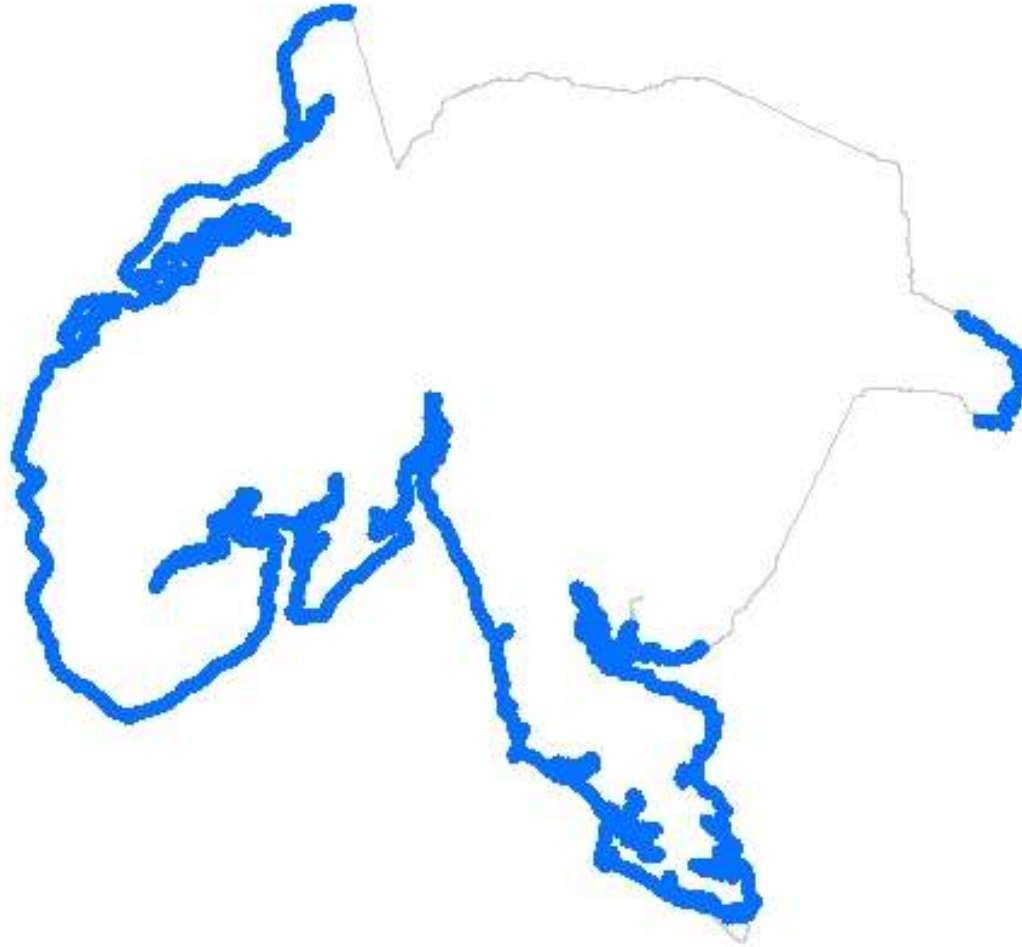
- P Development limited to water-dependent activities

- P Buffer Management Plan

- P Buffer is considered a Habitat Protection Area

- P Priority area for planting

# Where are the County's Critical Areas?





# **What development activities do the regulations apply to?**

**# Building permits**

**# Clearing and impervious surface increases**

**# Piers and shore erosion control**

**# Subdivisions**

**# Site plans for commercial and multi-family development**





# **2006 and 2007 General Assembly Mandated Changes**

**(Senate Bill 751 - 2006  
Senate Bill 1030 - 2007)**

- # Statewide changes became effective  
June 1, 2006 and June 1, 2007, respectively**
  - P Resulted from concerns raised by the  
Critical Area Commission and the Joint  
Legislative Oversight Committee on the  
Critical Area**
- # In summary, the changes:**
  - P Clarified the authority of the Critical  
Area Commission and the chairman;**
  - P Altered the guidelines for the location  
of new Intense Development Zone  
(IDZ) and the Limited Development  
Zone (LDZ) areas;**

# **State Mandated Changes (Continued)**

- P Altered the Commission's approval process for program amendments and program refinements;**
- P Clarified the procedures for growth allocation requests by local jurisdictions;**
- P Clarified certain terms;**
- P Defined certain terms; and,**
- P Clarified the provisions of the law that apply to the consideration, processing and decisions on variances.**



# **Staff Proposed Changes**

**# DEFINITIONS - Add several and amend others**

**# BUFFER PROVISIONS**

- P Strengthen and clarify what is meant by buffer establishment**
- P Revise Buffer Management Plan requirements**
- P Revise Buffer Management Plan form**
- P Incorporate mitigation requirements**
- P Clarify expanded Buffer**
- P Add allowance for minor fill w/o variance**



# **Staff Proposed Changes (Continued)**

## **# BUFFER EXEMPT AREA (BEA) PROVISIONS**

- P Select additional areas for exemption**
- P Allow accessory structures in rear yard**
- P Allow offsets to be located off-site**
- P Revise best management practices (BMP) as above**

## **# DENSITY**

- P Remove maximum 4 units per acre requirement in LDZ**

## **# REFORESTATION**

- P Add credit system for materials**
- P Discuss invasives**
- P Define growing season**

# **Staff Proposed Changes (Continued)**

## **# INTENSE DEVELOPMENT ZONE (IDZ)**

- P Clarify the requirements for remaining vegetation to be permanently protected**

## **# LIMITED DEVELOPMENT ZONE (LDZ) AND RESOURCE CONSERVATION ZONE (RCZ)**

- P Clarify development restrictions beyond allowed density in Resource Conservation Zone (RCZ)**
- P Establish Buffer as priority area for planting**
- P Expand/clarify mitigation requirements**
- P Prohibit clearing greater than 30%**
- P Remove allowance for tree removal for personal uses**



# **Staff Proposed Changes (Continued)**

## **# LIMITED DEVELOPMENT ZONE (LDZ) AND RESOURCE CONSERVATION ZONE (RCZ)**

- P Require mitigation for fallen trees**
- P Add zoning permit requirement**
- P Strengthen clearing regulations**
- P Strengthen shore erosion control section**

## **# SITE PLANS**

- P Add zoning officer discretion on materials submitted**

# Staff Proposed Changes (Continued)

## # FEE-IN-LIEU

- P Clarify uses
- P Require 1:1 planting on-site and allow remainder in FIL
- P Adopt fee rates similar to Calvert and based upon amount/percentage of clearing

## # SHORE EROSION CONTROL POLICIES

- P Enhance and clarify what is approvable



# **Staff Proposed Changes (Continued)**

## **# INCORPORATION OF PROGRAM INTO ORDINANCE**

- P Chapter 3 - Water Dependent Facilities**
- P Chapter 4 - Shore Erosion Protection**
- P Chapter 8 (Portions of) - Habitat Protection Program (eliminate anadramous fish, waterfowl staging)**
- P Chapter 9 - Natural Areas Protection and Preservation**

# Update Process

- # **Program Evaluation and meeting with Critical Area Commission**
- # **Public input session**
- # **Staff prepares Draft Plan, reflecting proposed changes**
- # **Planning Commission public hearing and work session(s) on the Draft**
- # **After Planning Commission approval, Draft (with revisions, if necessary) is introduced as a County Commissioner Bill**



# **Update Process (Continued)**

- # County Commissioner public hearing and work session(s)**
- # After tentative approval by County Commissioners, Critical Area Commission will hold a public hearing**
- # Draft returned to County Commissioners for final approval**

# **Tentative Timeline**

**Preparation of Draft Plan**

**Summer 2007**

**Planning Commission Process**

**Fall/Winter 2007**

**County Commissioner Process**

**Winter 2008**

**Critical Area Commission Hearing**

**Spring/Summer 2008**

**County Commission Final Approval**

**Fall 2008**



The background of the slide is a photograph of Earth from space, showing a curved horizon and a bright, hazy atmosphere. The colors are primarily dark blues and blacks, with some lighter, hazy areas near the horizon.

# **Opportunities for Public Input**

- # Tonight's public information session**
- # Planning Commission Public Hearing**
- # County Commissioner Public Hearing**
- # Chesapeake Bay Critical Area Commission Public Hearing**

**PUBLIC TESTIMONY AND/OR WRITTEN  
COMMENTS ACCEPTED DURING PUBLIC  
HEARINGS!**

# Thank You for Coming

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For more information:

**# Charles County Environmental Planning:**

**P [www.charlescounty.org](http://www.charlescounty.org)**

**P 301-645-0540**

**# Chesapeake Bay Critical Area Commission:**

**P <http://www.dnr.state.md.us/criticalarea/>**

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